

## ATTACHMENT A

### Chapter 39 Revisions

#### 39-3 Definitions.

*Acceptable evidence of majority:* "Acceptable evidence of majority" means:

1. An unexpired driver's license issued by any state, provided such license includes a picture of the licensee;
2. An identification license issued pursuant to A.R.S. § [28-3165](#), as and if amended;
3. An armed forces identification card; or
4. A valid unexpired passport which is issued by a government and which contains a photograph of the person and the date of birth.

*Accumulation of inoperable vehicles:* Two or more inoperable vehicles upon a residential lot, or upon a commercial or industrial lot where the primary business does not involve the service of vehicles or the storage of inoperable vehicles.

*Agent:* A natural person residing within Maricopa County authorized to make or order repairs, service to units and receive notices.

*Architectural pool:* A constructed or excavated exterior area designed to contain a regular supply of water, other than a swimming pool.

*Blight or blighted:* Unsightly conditions including accumulation of debris; fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or is damaged; any other similar conditions of disrepair and deterioration; and the exterior visible use or display of tarps, plastic sheeting, or other similar materials as flexible or inflexible screening, fencing, or wall covering upon a residential lot; regardless of the condition of other properties in the neighborhood.

*Broad-tipped indelible marker:* Any felt-tip marker, or similar implement, which contains a fluid which is not water soluble and which has a flat or angled writing surface one-half inch or greater.

*Building:* Any structure designed for occupancy including mobile homes, manufactured homes, factory-built buildings, and like property for which taxes may be assessed.

*Curb line:* The edge of a roadway whether marked by a curb or not.

*Debris:* Substance of little or no apparent economic value, which may be present in accumulations in excess of six inches in height and ten inches in diameter, including, but not limited to, deteriorated lumber, old newspapers, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, car parts, abandoned, broken or neglected equipment, or the scattered remains of items.

*Deterioration:* A lowering in quality of the condition or appearance of a building, structure or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay or neglect or excessive use or lack of maintenance.

*Dustproof:* A lot or area maintained by paving with one of the following methods: asphaltic concrete, cement concrete, penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate, or the equivalent as approved by the Zoning Administrator. A lot or area that encompasses all or part of a residential lot which contains one single-family or duplex residential unit is also dustproof if covered by a smooth layer of crushed rock or gravel no smaller than one-quarter-inch and no longer than three-quarters-inch maintained to a minimum depth of two inches and contained within a permanent border or by an alternative surface treatment as approved by the Zoning Administrator that will equal or exceed the dustproof characteristics of the above listed alternatives.

*Dwelling:* Any building or a portion thereof which is intended, or designated to be built, used, rented, leased, let, or hired out for human occupancy, or which is occupied by a human being.

*Dwelling unit:* A dwelling unit is:

1. A single unit providing independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
2. One or more rooms within a building arranged, designed, or used for residential purposes for one family and containing independent sanitary and cooking facilities. The presence of cooking facilities conclusively establishes the intent to use for residential purposes.

*Etch:* To permanently alter a surface by use of an etching solution or implement.

*Etching implement:* Tool, instrument, product, solution or substance capable of being used to etch a surface.

*Etching solution:* Any product or compound manufactured for the purpose of permanently altering a glass or other surface.

*Excavation:* A swimming pool, architectural pool, pond, shaft, test hole, well, pit, trench, or other condition resulting from the removal or absence of earthen material resulting in a cavity or opening that is more than four inches (102 mm) in any lateral dimension and more than three feet (914 mm) in depth, excluding active sand or gravel mines being operated in compliance with City and State laws.

*Exterior opening:* An open or closed window, door, or passage between interior and exterior spaces.

*Facilities/building service and equipment:* Plumbing, piping and/or fixtures that convey or dispose of liquid or waste, electric wiring, components or fixtures, mechanical heat/cooling equipment, ductwork or fixtures.

*Fences, screen walls and/or retaining walls:* Self-standing structures, including gates and other structures, designed to provide privacy, semi-privacy, security or bank retention between grade separations.

*Final inspection:* An inspection of a property conducted pursuant to this chapter where all violations of this chapter previously identified to the owner or responsible party have been corrected, as determined by the City.

*Garbage:* Swill, offal, and any accumulation of spoiled, partially or fully decomposed, rotting or discarded animal, vegetable or other matter that attends the preparation, handling, consumption, storage or decay of plant and animal matter including meats, fish, fowl, buds, fruits, vegetable or dairy products and their waste wrappers or containers.

*Graffiti:* Initials, slogans, designs or drawings, written, spray-painted, etched or sketched or otherwise applied on a sidewalk, wall, building, fence, sign, or any other structure or surface without consent of the owner and visible from a public right-of-way.

*Hazard:* Any condition that presents a risk to the safety of any person or adversely affects or jeopardizes the health or well-being of any person or endangers property. Such conditions include, but are not limited to, occupancy without adequate water or sanitation facilities, accumulation of human or animal waste, presence of medical or biological waste, sharps, gaseous or combustible materials, radioactive waste, dangerous or corrosive chemicals or liquids, flammable or explosive materials, friable asbestos, offal or decay matter.

*Hazardous waste:* Any chemical, compound, mixture, substance or article which is identified or listed by the United States Environmental Protection Agency or appropriate agency of the State to be "hazardous waste" as defined in [40](#) Code of Federal Regulations Sections [261.1](#) through [261.33](#), as and if amended, except that, for purposes of this chapter hazardous waste shall include household waste as defined in [40](#) Code of Federal Regulations Section 261.4.B.1.

*Heated water:* Water at a temperature of not less than 110 degrees Fahrenheit (43 degrees Celsius).

**IMMEDIATELY ABUTTING RIGHT OF WAY: MEANS ANY RIGHT OF WAY DIRECTLY TOUCHING AND HAVING COMMON BOUNDARIES WITH THE SUBJECT PROPERTY.**

*Imminent hazard:* A hazard on or condition of real property that creates an immediate or unreasonable risk of death or injury to any person or an immediate or unreasonable risk of loss of or damage to property.

*Incipient hazard:* A hazard on or condition of real property that may become an imminent hazard upon further deterioration or worsening of the hazard or condition, and such deterioration or worsening is probable.

*Infestation:* The apparent presence of unpleasant, damaging, or unhealthful insects, rodents, reptiles or pests.

*Initial inspection:* The first inspection of a specific property conducted pursuant to this chapter, other than inspections requested by the owner or responsible party.

*Inoperable vehicle:* A vehicle physically incapable of operation or a vehicle which exhibits one or more of the following conditions: wrecked, partially or fully dismantled, abandoned, stripped, substantially damaged, inoperative, scrapped, having the status of

a hulk or shell, discarded, tires that cause the rim of the wheel to rest on the tire tread or the ground, rotted, deteriorated or unable to hold air, or unable to be safely operated.

*Litter:* Decaying or non-decaying solid and semi-solid wastes, including but not limited to both combustible and noncombustible wastes, such as paper, trash, cardboard, waste material, cans, yard clippings, wood, glass, bedding, debris, scrap paving material, discarded appliances, discarded furniture, dry vegetation, weeds, dead trees and branches, vegetation and trees which may harbor insect or rodent infestations or may become a fire hazard, piles of earth mixed with any of the above or any foreign objects, including inoperable vehicles.

*Major appliances:* Any stove, cooktop, range, oven, refrigerator, clothing washer, clothing dryer, dishwasher, swimming pool filter, or any device which is designed to utilize natural gas from a public utility or to utilize a 220-volt electrical circuit.

*Occupant:* A person, persons or legal entity that, through rights of ownership or tenancy, has possession or the use and enjoyment of the subject real property.

*Owner:* A person, persons or legal entity listed as current title holder as recorded in the official records of Maricopa County Recorder's office.

*Owner's agent:* A statutory agent designated pursuant to A.R.S. § [33-1902](#) as and if amended.

*Physical force:* Force used upon or directed toward the body of another person and may include confinement.

*Pond:* An in-ground body of water that is at least 18 inches deep and eight feet or greater in any dimension. This does not apply to City-approved retention basins or other like conditions.

*Residential:* Single and multiple dwellings, such as hotels, motels, dormitories, and mobile homes.

*Residential rental property:* Property that is used solely as leased or rented property for residential purposes. If the property is a space rental mobile home park, residential rental property includes the rental space that is leased or rented by the owner of that rental space but does not include the mobile home or recreational vehicle that serves as

the actual dwelling if the dwelling is owned and occupied by the tenant of the rental space and not by the owner of the rental space.

*Responsible party:* An occupant, lessor, lessee, manager, licensee, or other person having control over a structure or parcel of land; and in the case where the demolition of a structure is proposed as a means of abatement, any lienholder whose lien interest is recorded in the official records of the Maricopa County Recorder's Office.

*Rubble:* Broken solid surface fragments usually resulting from the decay or deterioration of a building; miscellaneous mass of broken or apparently worthless materials.

*Screened area—Exterior:* An area separated by a permanent non-flexible device to completely conceal one element of a property from other elements or from adjacent or contiguous property. Examples include but are not limited to fencing six feet in height that is made from solid wood, brick or chain link with opaque slats.

*Single room occupancy:* A unit for occupancy by a single individual capable of independent living which does not contain installed sanitary facilities or food preparation capabilities.

*Smoke detector:* An approved detector which senses visible or invisible particles of combustion. The detector shall bear a label or other identification issued by an approved testing agency having a service for inspection of workmanship and material at the factory during fabrication and assembly.

*Solidified paint marker:* A device that contains paint or other substance in a solid or semi-solid form and releases the paint or other substance in a manner capable of marking surfaces.

*Sound condition:* Able to support itself under reasonable loading or weather conditions, free from decay or defect.

*Structure:* That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

*Swimming pool:* Artificial basin, chamber, or tank constructed and used, or designed to be used, for swimming, diving or bathing or wading.

*Unimproved land:* Land that has either never been developed or was formerly developed but has now been cleared of all buildings or structures.

*Unsecured structure:* Any structure that is vacant with a damaged or open door, window, or other opening not secured in accordance with City standards to prevent unauthorized entry.

*Vacant:* Unoccupied or illegally occupied.

*Vacant structure:* An unoccupied or an illegally occupied structure or an occupied structure without adequate facilities/utilities.

*Vegetation:* Plant life of any kind.

*Weeds:* A useless and troublesome plant generally accepted as having no value and frequently of uncontrolled growth.

*Yard:* A space on any lot, unoccupied by a fully enclosed structure including but not limited to carports and porches.

### 39-6 Building and structure exteriors.

A. *Exterior surfaces.* All exposed exterior surfaces, windows and doors shall be maintained so as to be free of deterioration that is a threat to health and safety, impervious to moisture and weather elements, or shall not otherwise present a deteriorated or blighted appearance. Windows, doors, locks on doors, and hinges must be present and installed properly. These items must be free from deterioration or blighting conditions. Any temporary securing of vacant structures must be done in accordance with City specifications.

Examples of such deterioration and blight include but are not limited to:

1. Improperly anchored canopies, metal awnings, stairways, exhaust ducts, and overhead extensions;
2. Chimneys that are structurally unsafe;
3. Exterior windows and doors that are not fitted securely in their frames and are not substantially weathertight or have inoperable locks;
4. Paint that is deteriorated, indicated by peeling, flaking, cracked, blistering or mildew, resulting in exposed, bare unprotected surfaces;

5. Window screening, if present, shall be maintained in good condition;
6. Boarded window or door openings on an occupied structure;
7. Secured window or door openings on an unoccupied structure for more than 90 days requires polycarbonate material securement specifications on all openings visible from the street.

B. *Fences, screen walls, and retaining walls.* All fences, screen walls, and retaining walls on the premises **OR IMMEDIATELY ABUTTING RIGHT OF WAY** shall be safe, structurally sound and uniform or compatible in color and structure; they shall be maintained so that they do not constitute a hazard, blight or condition of disrepair. Examples of hazards, blight or conditions of disrepair include but are not limited to, leaning fences or walls, fences or walls that are missing slats or blocks, that exhibit rot, damage, graffiti, peeling paint, or deterioration of paint or materials.

C. *Exterior insect, rodent and animal control.* All premises shall be kept free from insect and rodent infestation and other noxious pests. This provision shall not require action to disturb the natural or cultivated activity of bees, rabbits, or other insects and animals where such activity is not a danger or nuisance to any resident or residents of the area, and where other applicable legal requirements are met.

D. *Drainage.* All premises shall be maintained so as to prevent the accumulation of stagnant water when such water causes a hazardous or unhealthy condition, becomes a breeding area for insects, or which is causing soil erosion or damage to foundation walls. This does not apply to City-approved retention basins or other similar conditions. This exemption is not operable when actual and probable danger exists due to neglect.

E. *Foundations, walls and roofs.* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in structurally sound and weathertight condition. The foundation elements shall adequately support the building at all points and shall also be free from deterioration.

1. *Foundation.* The building foundation shall be maintained in a safe condition and be capable of supporting the load which normal use may place thereon.
2. *Exterior walls.* The exterior walls shall be substantially weathertight, weatherproof, free from dry rot and mildew, and shall be maintained in sound condition and good repair so as to prevent infestation. All exterior surfaces, other than decay-resistant materials, shall be protected from the elements by painting or other protective covering according to manufacturer's specifications. No lead-based paint shall be used on any surface of any structure.
3. *Roofs.* Roofs shall be maintained in a safe condition and have no defects which might admit rain or cause dampness in the walls or interior portion of the building. Roofs shall be free from conditions that contribute to the deterioration of the structure or otherwise present a deteriorated or blighted appearance.



4. *Coolers and their apparatus.* Coolers and their mounting apparatus shall be maintained in a condition free from excessive accumulation of scale, rust, corrosion or mineral deposits. Cooler stands or mounts shall be structurally sound. Unused, deteriorating and unattached evaporative coolers are to be removed from the structure.

F. *Outdoor stairs, porches, railings.* All outdoor stairs, porches, and hand railings shall be adequate for safety. Every stair and porch shall be maintained so as to be safe and in structurally sound condition. The support for railings, stairs, and porches shall be structurally sound and adequate. Every stairway, stair, porch and any appendage thereto shall be maintained in safe condition and capable of supporting a load that normal use may place thereon. Required protective railing shall be located in the manner prescribed by the City of Phoenix Construction Code. Such handrails (or protective railings) shall be maintained in good condition and be capable of bearing normally imposed loads.

G. Approved address numbers shall be provided for all new and existing buildings in such a manner as to be plainly visible and legible from the street or road fronting the property.